

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TIVO INC.,

Plaintiff,

vs.

**DISH NETWORK CORPORATION,
et al.,**

Defendants.

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 2:04-CV-01 (DF)

ORDER

Before the Court is TiVo's Motion for Interest on Stay Period Damages. Dkt. No. 944. Also before the Court are EchoStar's response, TiVo's reply, and EchoStar's sur-reply. Dkt. Nos. 955, 961, and 968. .

Although this Court's previous orders (Dkt Nos. 931 and 932) did not explicitly mention prejudgment interest, the omission was inadvertent. TiVo is entitled to prejudgment interest as a matter of law. *General Motors Corp. v. Devex Corp.*, 461 U.S. 648, 656 (1983) ("[P]rejudgment interest should be awarded under [35 U.S.C.] § 284 absent some justification for withholding such an award."). Accordingly, the Court finds that TiVo's motion should be **GRANTED**.

SIGNED this 4th day of September, 2009.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE